

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of
Keith Breckheimer, Applicant
for Reinstatement of EMT-P Certification
Certificate Number: 270828

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Keith Breckheimer ("Applicant") and the Minnesota Emergency Medical Services Regulatory Board's Complaint Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Emergency Medical Services Regulatory Board ("Board") is authorized pursuant to Minnesota Statutes sections 144E.001 to 144E.33 (2008) to certify and regulate Emergency Medical Technician - Paramedics ("EMT-P") and to take disciplinary action as appropriate.

2. Applicant has applied for reinstatement of his EMT-P certification in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On May 24, 2010, Applicant appeared before the Review Panel to discuss allegations contained in a Notice of Conference dated April 30, 2010. Geoffrey Karls, Assistant

Attorney General, represented the Review Panel at the conference.

4. Applicant was advised by the Review Panel that he may choose to be represented by legal counsel in this matter. Applicant knowingly waived legal representation.

III.

FACTS

5. For purposes of this Stipulation and Order only, the Board may consider the following statements as true:

a. On September 18, 2004, Applicant's employment with ambulance service #1 was terminated due to unsatisfactory performance during his probationary period, including (i) two medication errors, (ii) falling asleep on a transfer while doing patient care, and (iii) driving recklessly.

b. On March 31, 2006, Applicant resigned in lieu of termination from ambulance service #2 due to his failure to meet job performance standards, including (i) failing to get pertinent information from patients, (ii) failing to document accurately, (iii) sleeping during his shift when work needed to be completed, (iv) smoking in uniform contrary to policy, and (v) failing to treat patients with invasive ALS care as required.

c. On October 9, 2007, Applicant resigned in lieu of termination from ambulance service #3 due to unsatisfactory performance and failing to meet behavioral expectations during his probationary period, including (i) communicating in a sexually inappropriate way with female crew members, (ii) acting aggressively toward crew members, (iii) failing to perform physical examinations during patient encounters, (iv) failing to utilize a c-spine/spinal immobilization on patients despite need, (v) failing to provide advanced airway control for an unresponsive patient, (vi) applying a scoop stretcher to a trauma patient from an

ATV accident, (vii) administering narcotics without ECG monitoring, (viii) providing inadequate and incomplete documentation on patient care reports, (ix) using a company Internet connection to view pornographic websites on his personal computer, (x) acting aggressively to civilian drivers while enroute to 911 responses, and (xi) making disparaging comments to other employees. When confronted by the employer about these issues, Applicant admitted to using “poor judgment” and being “lazy.”

d. On June 3, 2008, the Review Panel served Applicant with a Notice of Conference, which outlined the issues above and scheduled a conference with the Review Panel on June 18, 2008. On June 9, 2008, Applicant contacted Board staff and stated he was not planning to attend the conference because he had let his EMT-P certification expire on March 31, 2008 and was pursuing another career.

e. On April 27, 2010, Applicant contacted the Board and requested a conference with the Review Panel to discuss issuance of EMT-B certification pursuant to Minnesota Statutes section 144E.28, subdivision 8 (2008).

f. At the conference with the Review Panel on May 24, 2010, Respondent denied much of the reported conduct, although he admitted to poor documentation. Respondent indicated he has no passion for EMS and is seeking issuance of his EMT-B certification for employment with a fire department.

IV.

LAWS

6. Applicant acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 144E.28, subd. 5(a)(5), (6) (2008) and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. The Board **REPRIMANDS** Applicant for the conduct outlined in section III. above.

8. The Board **DENIES** Applicant's application for EMT-B certification.

9. Applicant may reapply for his EMT-B certification at any time. At the time of application, Applicant shall provide, at a minimum, the following information at the time of his application:

a. Continuing Education. Within 60 days of Applicant's reapplication, Applicant shall submit to the Board evidence of successful completion of at least 12 hours of continuing education on the topics of patient monitoring and drugs, documentation, harassment, and ethics. Applicant shall submit written documentation, such as measurable learning objectives and qualifications of the instructor in order to receive advance approval from Board staff of classes that Applicant takes in fulfillment of this condition. Applicant shall submit verification of participation for any class taken in fulfillment of this requirement.

b. Typewritten Report. Within one month of the date of completion of the continuing education referenced above, Applicant shall submit to the Board a typewritten report at least two pages in length addressing what he learned and achieved through the education. Applicant shall reflect on the situation described in section III and describe the knowledge he has gained and how he will apply his knowledge to his future EMT-P practice.

c. Self-Report. Applicant shall submit to the Board a report from himself.

The report shall provide and address:

- 1) The type of employment in which Applicant has been involved;
- 2) Applicant's work schedule;
- 3) Applicant's physical and mental health status;
- 4) Applicant's future plans to provide emergency medical services and the steps he has taken to prepare himself to return to practice; and
- 5) Any other information Applicant believes would assist the Board in its ultimate review of this matter.

d. Report From Employer. Applicant shall cause to be submitted to the Board a report from Applicant's employer. The report shall provide and address:

- 1) Applicant's ability to perform assigned tasks;
- 2) Applicant's attendance and reliability;
- 3) Applicant's work schedule; and
- 4) Any other information the employer believes would assist the Board in its ultimate review of this matter.

e. Additional Information. Applicant shall provide any additional information relevant to his reapplication reasonably requested by the Review Panel.

10. At the time of reapplication, Applicant must meet all applicable requirements for reinstatement and/or certification, including submission of a new application form and fee.

11. Applicant's violation of this Order will provide grounds for further disciplinary action.

12. The Board may, at any regularly scheduled meeting following Applicant's reapplication for reinstatement and/or certification, take any of the following actions:

- a. Issue a certificate to Applicant;
- b. Issue a certificate to Applicant with limitations placed upon the scope of Applicant's practice and/or conditional upon further reports to the Board; or
- c. Deny Applicant's application for licensure upon his failure to meet the burden of proof.

VI.

ADDITIONAL INFORMATION

13. Within ten days of execution of this Stipulation and Consent Order, Applicant shall provide the Board with the names of all states in which Applicant is certified or has applied for certification as an Emergency Medical Services Technician or First Responder.

14. Applicant waives the contested case hearing and all other procedures before the Board to which Applicant may be entitled under the Minnesota and United States constitutions, statutes, or rules.

15. Applicant waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Applicant.

16. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

17. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

18. Applicant has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Applicant is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Applicant, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Applicant or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

19. Applicant agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Applicant will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

20. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Applicant by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Applicant which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VII.

DATA PRACTICES NOTICES

21. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5

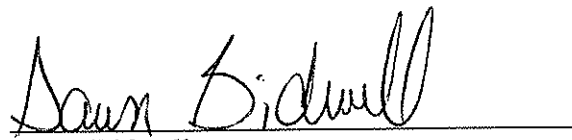
(2008). Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4 (2008).

22. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD
COMPLAINT REVIEW PANEL


KEITH BRECKHEIMER
Applicant


Dawn Bidwell
Board Member

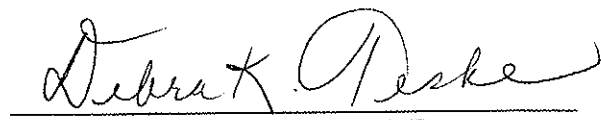
Dated: 5/30, 2010

Dated: 10/22/, 2010

ORDER

Upon consideration of the Stipulation, the Board **REPRIMANDS** Applicant and adopts all of the terms described above on this 18th day of March, 2011.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD


~~KATHERINE BURKE MOORE~~
Interim Executive Director